

App. No. 10/046,135
Amendment Dated: May 25, 2005
Reply to Office Action of March 25, 2005

REMARKS/ARGUMENTS

The Office Action mailed March 25, 2005 has been received and the Examiner's comments carefully reviewed. The Office Action rejected Claims 1-19 under 35 U.S.C. 103(a). Claims 1-19 are currently pending.

35 U.S.C. 103(a) Rejections

The Office Action rejected Claims 1-19 under 35 U.S.C. 103(a). Independent Claims 1, 8, and 14 were rejected as being unpatentable over Pub. No.: US 20010029523 A1 of McTernan et al. (hereinafter McTernan) in view of Pub. No. US 20002/0124100 A1 of Adams (hereinafter Adams). Applicants respectfully disagree and present the following arguments for consideration.

The Office Action argues that McTernan "teaches receiving a request fro a rich media presentation from the device before the device requests to play a media package" and relies on sections 64-71. It also argues that McTernan teaches "automatically generating the rich media presentation for the device relying on Figure 2, and sections 63 and 78. The Applicants respectfully disagree.

McTernan is directed at efficiently distributing content by "maximizing the use of available bandwidth and client processing capabilities" (Abstract). Figure 2 of McTernan shows how the "client breaks up packets from the server" (section 63). Generally the distributor receives packets from the server, determines the media type for each the packets, and then passes each type of media packet to the appropriate renderer. For example, audio data packets are passed to an audio renderer and video packets are passed to a video renderer (section 63).

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The media server illustrated in Figure 3 or McTernan includes a show graph authoring tool "retrieves data indicating the current use of resources for a specific client bandwidth, graphics, and CPU capacity" (section 77) Producers of the multimedia content then use the show graph authoring tool, which "is a standalone software application employing a graphical user interface (GUI) that allows the producer to visually configure representations of software elements that act on data. Each grouping of elements is referred to as a scene" (section 75). The producer manually creates these scenes (sections 75-78).

McTernan does discuss creating multiple versions of the same resources but McTernan is only interested in "varying quality levels" (section 80). Additionally, the "Client selects the model that will produce the best show possible based upon its specific hardware and bandwidth constraints" (section 80, last sentence). This is reinforced by McTernan's recitation that states "Renderers 384 determine which Resources 362 will be selected from a Table of Contents 344 for a particular show and presented to the viewer" (section 86, second sentence). It is clear from Figure 3 that the renderers are located on the client device and that the client device determines which resources they want to be delivered from the server. This is significantly different from "automatically generating the rich media presentation for the device" as recited in Independent Claims 1, 8, and 14. Independent Claims 1, 8, and 14 also each include the recitation "providing the rich media presentation to the device." It is clear from the above discussion, that McTernan teaches that the client assembles the package and that the package is not provided to the device.

Independent Claim 8, recites, in part "receiving a request for a rich media presentation from the device when the device accesses a page including a request for an include file from the

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provider." McTernan does not disclose this recitation. Specifically, nowhere in sections 64-71 does McTernan disclose "accesses a page including a request for an include file from the provider" as recited in Claim 8. Independent Claim 14 includes a similar recitation and is allowable for at least the same reasons.

For at least the reasons discussed above, the Applicants respectfully submit that independent Claims 1, 8 and 14 are not obvious in view of the cited references and are therefore allowable. Similarly, Claims 2-7, 9-13, and 15-19, which depend from valid base claims, are allowable for at least the same reasons

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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